IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5336 OF 2007

1. Samal Shriniwas Satyanarayan & 17 ors .. Petitioners

Versus

1. State of Maharashtra & 2 ors.] .. Respondents

ALONGWITH

WRIT PETITION NO. 5337 OF 2007

1. Ajay Uttamrao Naik & 24 ors.] .. Petitioners

Versus

1. The State of Maharashtra & 2 ors.] .. Respondents

Mr. Uday P. Warunjikar for the petitioners in both the Writ Petitions.

Mr. P.M. Patil, AGP, for the respondents No.1 and 2 in both the Writ Petitions.

CORAM: S.B. MHASE &
D.G. KARNIK, JJ.

DATED: 23RD JULY, 2007

P.C. :

. Heard the learned counsel for the petitioners. Petitioners are unemployed graduates. To provide some work, the Government of Maharashtra floated a scheme wherein the petitioners were supposed to work for few hours in a day and for few days in a month. For such work, they were paid Rs.100/- by way of remuneration.

This was done to provide work to them for their survival since they were unemployed graduates. It further appears that the Government has also, by various Government Resolutions, prescribed that whenever recruitment to the Government posts are made, these candidates should be considered in preference to other candidates if the other candidates are equally competing with them. That means that the petitioners were supposed to compete whenever recruitment is to be carried out with other eligible candidates. If it is found that the other eligible candidates and the petitioners are equal in merit, the additional merit to be considered was that the petitioners were working as unemployed graduates with the Government for years together and accordingly, preference should be given. That much preference is found in the Government Resolutions and nothing more than that.

2. Presently, advertisement has been issued and in that advertisement the petitioners are supposed to compete by participating in the selection process. The learned counsel for the petitioners tried to submit that the said selection process should be stopped and these petitioners should be recruited in preference to other candidates. This is not the spirit and this is not the policy of the Government. Above all, such types of

reservations cannot be created in view of Article 14 of the Constitution of India. The Constitution contemplates that equally situated persons be offered equal opportunities to compete with others. However, these petitioners desire that they will not compete with others, but exclusively the seats should be reserved for them because they are working with the Government under a scheme for unemployed graduates which has been floated by the Government so as to support unemployed graduates till they get regular employment. An attempt has also been made to seek a writ to call for information from the Government to show the implementation of various Government Resolutions. That means, in the absence of a data being made available, the petitioners want to collect evidence through the machinery of this Court and thereafter to make out a case for the purpose of breach of the Government policy etc. In our view, for this purpose, Article 226 cannot be invoked.

3. Viewed from any angle, the Petitions are without any merit and deserve to be rejected and they are, accordingly, rejected.

Sd/-
[D.G. KARNIK, J.]

Sd/-
[S.B. MHASE, J.]